

Pro Se 5 (Rev. 12/16) Complaint for a Civil Case Alleging Negligence

## UNITED STATES DISTRICT COURT

for the

Baltimore District of Maryland

Division

Case No.

19 CV 1852 SAB  
(to be filled in by the Clerk's Office)OTIS D. WITHERSPOON

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

BALTIMORE CITY TRANSPORTATION DIV.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one)

☐

Yes

☒

No

FILED \_\_\_\_\_ ENTERED \_\_\_\_\_  
 LODGED \_\_\_\_\_ RECEIVED \_\_\_\_\_  
 JUN 24 2019  
 AT LAL IN  
 CLERK U.S. DISTRICT COURT  
 DISTRICT OF MARYLAND  
 DEPUTY

COMPLAINT FOR A CIVIL CASE ALLEGING NEGLIGENCE  
 (28 U.S.C. § 1332; Diversity of Citizenship)

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if  
needed.

Name

OTIS D. WITHERSPOON

Street Address

37 E 35 Street, Passaic Co.

City and County

PATERSON, PASSAIC COUNT

State and Zip Code

NEW JERSEY 07505

Telephone Number

(862) 336-8872

E-mail Address

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 5 (Rev. 12/16) Complaint for a Civil Case Alleging Negligence

Defendant No. 1

Name BALTIMORE CITY TRANSPORTATION DIVISION  
Job or Title (if known) TOWING  
Street Address 6700 BALASKI HIGHWAY  
City and County  
State and Zip Code MARYLAND, ROSEDALE 31237  
Telephone Number 857) 6654  
E-mail Address (if known)

Defendant No. 2

Name  
Job or Title (if known)  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address (if known)

Defendant No. 3

Name  
Job or Title (if known)  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address (if known)

Defendant No. 4

Name  
Job or Title (if known)  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address (if known)

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Under 28 U.S.C. § 1332, federal courts may hear cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. In that kind of case, called a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff. Explain how these jurisdictional requirements have been met.

**A. The Plaintiff(s)**

1. If the plaintiff is an individual

The plaintiff, (name) OTIS D. WITHERSPOON, is a citizen of the  
State of (name) NEW JERSEY *pro SE*

2. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated  
under the laws of the State of (name) \_\_\_\_\_,  
and has its principal place of business in the State of (name) \_\_\_\_\_

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**B. The Defendant(s)**

1. If the defendant is an individual

The defendant, (name) Balto City Transporters *DEU*, is a citizen of  
the State of (name) Maryland. Or is a citizen of  
(foreign nation) \_\_\_\_\_

2. If the defendant is a corporation

The defendant, (name) BALTIMORE CITY TOWING DIV., is incorporated under  
the laws of the State of (name) MARYLAND, and has its  
principal place of business in the State of (name) MARYLAND.  
Or is incorporated under the laws of (foreign nation) MARYLAND,  
and has its principal place of business in (name) \_\_\_\_\_

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

**C. The Amount in Controversy**

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On (date) ON Jan. 11, 2019

the defendant(s): (1) performed acts that a person of ordinary prudence in the same or similar circumstances would not have done; or (2) failed to perform acts that a person of ordinary prudence would have done under the same or similar circumstances because (describe the acts or failures to act and why they were negligent)

*Explained on attached Motion.*

The acts or omissions caused or contributed to the cause of the plaintiff's injuries by (explain)

*Explained on attached Motion.*

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

1. My property is missing, Cargo, U-Haul Truck.
2. Plaintiff was never notified of auction sale (auction) all against defendant policies.
3. Money to be return, because plaintiff was found NOT guilty on charges. He paid for his own summons. The court granted the return of \$4.00.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

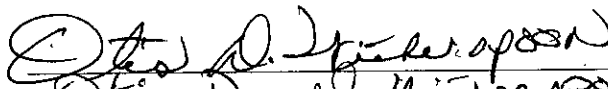
**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

Feb 18, 2019

Signature of Plaintiff



Printed Name of Plaintiff

Otis D. Witherspoon

OTIS D. WITHERSPOON PRO SE

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Street Address \_\_\_\_\_

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

FILED \_\_\_\_\_ FILTERED \_\_\_\_\_  
 LODGED \_\_\_\_\_ RECEIVED \_\_\_\_\_

JUN 24 2019

OTIS DONALD WITHERSPOON )  
 37 E. 35 STREET )  
 PATERSON, NEW JERSEY 07514 )

vs. PLAINTIFF )

BALTIMORE CITY TOWING TOWING DIVISION )  
 6700 PULASKI HIGHWAY )  
 ROSEDALE, MARYLAND 21237 )

DEFENDANT

AT LML H  
 CLERK U.S. DISTRICT COURT  
 DISTRICT OF MARYLAND

BY DEPUTY DIVERSITY/CITIZENSHIP

CIVIL CASE

#### JURISDICTION

PLAINTIFF , OTIS DONALD WITHERSPOON,WHO IS THE PLAINTIFF IN THIS CASE. DEFENDANT IS A CITIZEN OF THE UNITED STATES WHO RESIDE IN THE STATE OF NEW JERSEY AND THE DEFENDANT, RESIDE IN THE STSTE OF MARYLAND, located AT THE ADDRESS OF 6700 PULASKI HYWAY ROSEDALE MD. 21237. KNOWN AS THE DEFENDANT. THE LEGAL STANDING WHICH THE COURT HAS LEGAL STANDING UNDER FEDERAL JURISDICTION, IS GROUNDED IN THE FACT THAT THE CIRCUMSTANCES OF THIS CASE IS BASED ON THE LEGAL THEORY OF DIVERSITY OF CITIZENSHIP, AND THE AMOUNT OF INJURY IS OVER THE AMOUNT OF \$75,000.0 WHICH IS THE STATUTORY AMOUNT WHICH THE COURT REQUIRES, IN ORDER TO HEAR THIS CASE. PLUS THE FACT THAT THE DEFENDANT AND THE PLAINTIFF RE-SIDES, IN DIFFERENT STATES.

#### CASE HISTORY

PLAINITIFF, FILE SUIT AGAINST THE DEFENDANT FOR THE ILLEGAL SALE OF HIS UHAUL TRUCK, BEFORE THE COURT HEARD PLAINTIFFSS COMPLAINT. BALTIMORE CITY COURT FOUND THE PLAINTIFF INNOSENCE OF THR THREEOTICKETS THE FINAL TICKET WAS A CHARGE OF \$27.50, WHICH TERMINATED THE CASE AGAINST PLAINTIFF OF ALL TRAFFIC VIOLATIONS. PLAINTIFF EMMEDIATELY REQUESTED THE RETURN OF HIS VEHICLE. PLAINTIFF WAS TOLD, HIS TRUCK WAS SOLD AT ACUTION, FEBRUARY 27,2019. PLAINTIFF WAS NEVER CONTACTED

OR INFORMED OF ANY PENDING AUCTION SALE. A DIRECT VIOLATION OF THE DEFENDANT POLICY. THE CLERK ( SHIRELY) ASKED A CO\_WORKER, DID SHE SEND PLAINTIFF NOTICE THAT HIS PROPERTY WAS SCHEDULED TO BE AUCTION? SHE STATED SHE DID NOT AFTER HEARING THIS ADMISSION, PLAINTIFF, ASKED THE CLERK ( SHIRELY) TO RETURN TO HIM HIS COMMERCIAL TAGS. THE CLERK, ( SHIRELY ) , STATED SHE COULD <sup>NOT</sup> PROVIDE THE DEFENDANT WITH THE PLATES. THIS RESPONSE LEAD THE PLAINTIFF TO BELEIVE, PLAINTIFF, PROPERTY, WAS NOT AUCTION OFF AS ALLEDGED, BUT TAKEN FOR ITS CARGO WHICH INCLUDED, HEAVEY-DUTY, COMMERICIAL RESTAURANT, EQUIPMENT ( DEEP-FYERS) NAME BRAND " HENNY PRIOR" W/ 3 WELLS, COMPUTER OPERATED. (1) STREAMER COMMERCIAL, STREAMS HUNDRED POUNDS OF SEA FOOD. (1) STRING TRIMMER (2) ~~JACKER TONER~~ DEWALT BLOWER, COMPLETE LINE OF YARD EQUIPMENT, AND 3 NAME BRAND CUTTING TORCHS (ENGLAND. (1) AIR COMPRESSOR w/ ATTACHMENTS. BEDROOM SET, DRESSER NIGHT TABLES, LIVING ROOM SET w/ COFFEE TABLES. SONY T.V 48" SCREEN SMART T.V BED LINENS. CLOTHES CONSISTING SHOES, SUITS SPORT JACKETS, SERVAL SUITS.

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WHAT THE PLAINTIFF ASK  
COURT TO DO FOR HIM

THE PLAINTIFF ASK THE COURT TO GRANT HIS PLEA FOR PUNITIVE DAMAGES THE DEFENDANT DID CAUSE UN DUE HARM AND DAMAGES TO THE DEFENDANT PROPERTY, AS A RESULT OF THE UNLAWFUL TAKING OF PLAINTIFF'S PROPERTY WITH OUT, PRIOR NOTICE OR PERMISSION. ALL SUCH ACTS WERE IN DIRECT VIOLATION OF THEIR OWN WRITTEN POLICIES. PLAINTIFF ASK THE COURT FOR JUDGEMENT OF \$250,000.00, IN PUNITIVE DAMAGES.

*Defendant Sold Plaintiff  
Property after only 4 days  
and charging \$250,000.*

CONCLUSION

IN CONCLUSION OF THIS MOTION BEFORE THE COURT THE PLAINTIFF, REQUEST THE COURT FOR PUNITIVE DAMAGES. AS WELL AS WELL AS COMPENSATION, FOR THE ILLEGAL TAKING OF HIS U-HAUL TRUCK OR ITS COST, AS WELL AS ITS CARGO IN IT.

s/ Otis D. Witherspoon  
Otis D. Witherspoon  
Pro se

PROOF OF MAIL

NOW COMES THE PLAINTIFF, OTIS D. WITHERSPOON, WHO IS FILING SUE AGAINST THE DEFENDANT, BALTO TOWING DIVISION, LOCATED AT THE ADDRESS OF 6700 PULASKI HYWAY, ROSDALE, MD 21237. MAIL TO DEFENDANT BY THE U.S POSTAL MAIL , POSTAGE PRE-PAID, ON THIS JUNE 19, 2019

s/ Otis D. Witherspoon  
Otis D. Witherspoon

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 20th DAY OF June 2019  
Paula Inturrisi  
NOTARY PUBLIC

